

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO
WRIT PETITION NO : 9376 of 1994

Between:

Pottelu Sundaraiah, S/o. Naraiah,
R/o. Thummalagunta, Chiguruvada Vutharapu Kandriga,
Kottur Village, Tirupati Rural, Chittoor Dist.

..... PETITIONER

AND

- 1 The Joint Collector, Chittoor Dist.
- 2 The Revenue Divisional Officer, Tirupati ,
Chittoor Dist.
- 3 The Mandal Revenue Officer, Tirupati Rural,
Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, particularly Writ of Mandamus, directing the respondents not to interfere with the possession and enjoyment of the petitioner of S.NO.273 to an extent of Ac.1.06 cents, 274/3 to an extent of ac.1.26 cents and 275/2 to an extent of Ac.8.95 cents in Gangannagunta, h/o.Ghiguruwada Vutharapu Kandriga(v), Tirupati Rural, Chittoor Dist and pass.

Counsel for the Petitioner:MR.G.RAMACHANDRA REDDY

Counsel for the Respondent : GP FOR REVENUE

The Court Made the Following :

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ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner herein claimed to be in possession and enjoyment of the lands in Survey Nos.273,274/3 and 275/2 situated at Gangannagunta, h/o Chiguruwada Vutharapu Kandriga Village, Tirupati Rural, Chittoor District.

The petitioner's claim rests on the ground that the permanent patta was granted as long as on 11.09.1939 in favour of the petitioner's father and subsequently, his father died in the year 1963 and therefore, he claims absolute possession and enjoyment. Further, ryotwari pattas have also been granted under Section 11(9) of the Estates Abolition Act, to the petitioner by the competent authorities. Therefore, the question of dispossession or interfering with his possession does not arise. Since the respondents are interfering with the possession of the petitioner, he filed the present writ petition.

No counter is filed. Learned Government Pleader stated that the land in question is a kalva and river poramboke and hence the question of granting patta does not arise. It is also stated that the provisions of the Estate Abolition Act have no application and the patta as claimed by the petitioner is not a genuine one.

Having heard the learned counsel on either side and on perusal of the material, it is seen that there is a serious dispute as to the very claim of the petitioner even in regard to the genuineness of the patta as claimed by him.

From the material, it is clear that there is a serious dispute with regard to the grant of patta to the petitioner's father. Since, it is a disputed question of fact, the same cannot be decided by this Court under Article 226 of Constitution of India. Therefore, it would suffice, if a direction is issued to conduct an enquiry by giving notice to the petitioner herein as regards to the genuineness of the patta and pass appropriate orders in accordance with law. It is needless to observe that till the final orders are passed by the competent authority, *status quo* shall be maintained.

Accordingly, the writ petition is disposed of. No costs.

17.06.2004
klp

ASSISTANT REGISTRAR

//True copy//

SETION OFFICER

To

- 1 The Joint Collector, Chittoor Dist.
- 2 The Revenue Divisional Officer, Tirupati ,
Chittoor Dist.
- 3 The Mandal Revenue Officer, Tirupati Rural,
Chittoor Dist.
4. Two C.Cs to G.P. for revenue, High Court buildings, Hyderabad.
5. Two C.Ds.